UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

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ORDER

For the reasons set forth in the accompanying Memorandum, the Motions to Dismiss Plaintiffs' Second Amended Complaint filed by Defendants Eli Lilly and Company and Amylin Pharmaceuticals, Inc. (Docket Nos. 41 & 43) are hereby GRANTED IN PART and DENIED IN PART as follows:

- (1) The Motions to Dismiss are GRANTED with respect to Plaintiffs' Tennessee Consumer Act Claim as set forth in Count Six of the Second Amended Complaint and that Count is hereby DISMISSED; and
- (2) The Motions to Dismiss are DENIED with respect to (a) Plaintiffs' Joint Venture/Joint Enterprise claim as set forth in Count Seven; and (b) Plaintiffs' Concert of Action claim as set forth in Count Eight.

It is SO ORDERED.

United States District Judge

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